



TALBOT COUNTY BOARD OF APPEALS

APPLICATION PROCEDURE FOR: ALLEGATION OF ERROR

Please read the attached material thoroughly. The documents in the application packet should be completed and returned to the Office of Planning and Zoning. The filing fee is \$700.00, which includes a \$400.00 review fee & a \$300.00 deposit for advertising. Any portion of the deposit not utilized will be returned. Checks shall be made payable to **Talbot County**, Maryland.

At the time the completed application is returned with all forms signed and dated, dates will be scheduled for your hearing and sign posting and other pertinent dates. The applicant/agent is responsible for noting these dates and complying with them. Direct any questions to Chris Corkell, Administrative Assistant to the Board of Appeals Office at (410) 770-8040.

1. **Application for Appeal:** Complete the "Purpose of Appeal". This informs the Board what the application is for. You may attach a typewritten sheet if additional space is needed. Please give a **detailed description** of your request.
2. **Adjacent Property Owners:** The Applicant/Agent is responsible for obtaining the names and addresses of all property owners contiguous to the subject property as stated in Article XIV, § 190-112 C of the Talbot County Code. For purposes of the Section, contiguous means all properties adjacent to and opposite said property, measured at right angles to any intervening road or street. Said mailed notice shall be directed to the address to which the real estate bill on the property is sent. This information can be obtained by contacting Maryland Department of Assessment and Taxation at 410-819-5920 or on their web site at this link: <http://www.dat.state.md.us>. A copy of the tax map is needed with subject property highlighted.

Water Front Property: For parcels fronting on the water, contiguous property owner(s) also include owners of Property within 1,000 feet of the subject property, whose line of sight to the subject property is entirely over water.

3. **Article XIV, § 190-112 A Notification:** This statement informs the Applicant/Agent when and where a sign is to be posted. Should two signs be necessary, the Planning Office will inform the Applicant/Agent and posting locations will be designated.
4. **Sign Maintenance Agreement:** This agreement is signed by the Applicant/Agent. The sign is to be continuously maintained in a conspicuous location on the property for 15 days prior to the hearing and returned to the Planning Office within 5 days after the hearing date, or a substantial fine may be imposed.
5. **Location Directions:** The Applicant/Agent is responsible for providing detailed directions to the property in question.
6. **Site Plan:** The Applicant is responsible for preparing a site plan which includes: dimensions of property, location of all existing buildings, tree lines and proposed additions showing setbacks from property lines and names of adjoining roads, streams or bodies of water. The site plan must be drawn to scale. Submit (8) eight site plans along with (1) one additional copy if within the 100 foot buffer and (1) one additional copy if property is located on a state highway.
7. **Written Acknowledgement:** When the Applicant is someone other than the owner of the property, the Applicant shall attach to the application a letter of authorization from the owner that he/she has reviewed the application and concurs with its content.
8. **Incomplete Application:** The application shall be delivered to the Talbot County Board of Appeals located in the Talbot County Planning Office. If the application is incomplete in any respect, it will be returned to the applicant, and shall not be considered filed with the Department. All required Federal, State and/or local permits or approvals must be obtained prior to application submittal.
9. **Public Hearing Notice:** Public notice shall be given for a public hearing on an application for an Allegation of Error by the Board of Appeals in accordance with the provision set forth in Article XIV, § 190-112 B of the Talbot County Code.
10. **Miscellaneous:** Submit all copies of any letters, memos or documents that would reference to your application.

The Administrative Assistant to the Board of Appeals may not give advice with regard to this application nor is she permitted to assist in the preparation.

This original package must be returned with original signatures and dates, you do not need to make additional copies of this package. The only additional copies required will be site plans floor plans, elevation drawings and miscellaneous exhibits.

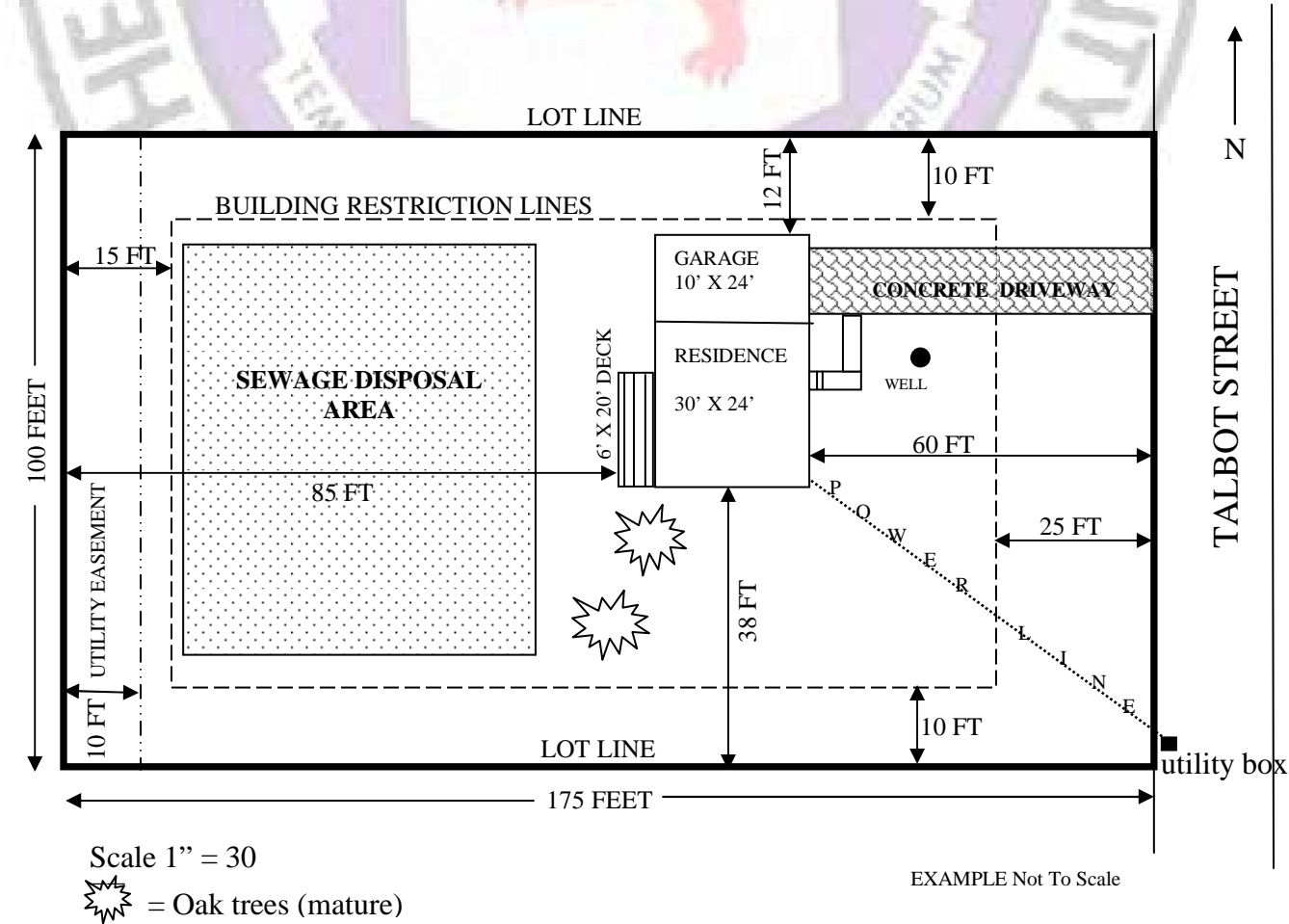


RESIDENTIAL VARIANCES & SPECIAL EXCEPTIONS

SITE PLAN REQUIREMENTS

- Drawing must be to scale. The scale of the drawing and an arrow showing a direction of North, must be noted on the plan.
- Show all boundary lines and lot size.
- Location and dimensions and use of all existing and proposed buildings and structures on the site. Distances from property lines, or setback (setbacks from tidal and non tidal wetlands, 100 foot shoreline development buffer from Mean High Water, streams, steep slopes, state highway, etc.,) to the proposed structure. Measurements need to be taken from the closest point of the structure. Measurements from decks only if structurally connected to the dwelling. Show streams and label bodies of water.
- Show location of underground power lines and all other utility lines & boxes.
- Show forest cover on site, individual standing mature trees and all areas of forest to be cleared.
- Location, name or number of all streets and alleys adjacent to the site. Show any on site or off site easements or private roads that provide access between the site and public road.
- Location of on-site parking and driveways (provide space for at least two cars).
- Show location of well and proposed or existing location of septic tank and drain field (and reserve drain field), as specified by the Health Department.

EXAMPLE SITE PLAN





OFFICIAL USE ONLY

Hearing Date _____
Appeal No. _____
Filing Date _____
Amount Paid _____
Neighbors
Notified _____
Petitioners
Notified _____

To the Honorable, the Talbot County Board of Appeals,

Pursuant to the provisions of the Talbot County Zoning Ordinance for Talbot County, Maryland enacted May 16, 1953, or as amended, request is hereby made for:

XXX

Variation from strict application of said Ordinance
Allegation of Error
Special Exception

Statement of Case: A statement of the facts in full detail, including documentary evidence to be attached as deemed appropriate, and reference to any statute or law pertaining to the matter resulting in the denial of relief or direction for compliance. You may type on a separate sheet if additional space is needed and label as Attachment A.

Location of Property: _____

Tax Map _____ **Grid** _____ **Parcel** _____ **Lot** _____ **Size** _____ **Zone** _____

Property Owner: _____

Address of Owner: _____

Telephone Number: () _____ **Election District** _____

Applicant's name, address & telephone number if different from owner: _____

Has above property ever been subject of previous Appeal(s)? _____

If so, give Appeal number(s) and date(s) _____

I (we) hereby certify, under penalty of perjury, that the matters and facts set forth in the a foregoing Appeal are true to best the best of my (our) knowledge and belief.

Applicant's/Agent's Signature

IMPORTANT: APPLICATIONS ON WHICH ALL REQUIRED INFORMATION IS NOT FURNISHED WILL BE RETURNED FOR COMPLETION BEFORE PROCESSING, AND SHALL NOT BE CONSIDERED FILED WITH THIS DEPARTMENT.



ALLEGATION OF ERROR

Attorney for Applicant: _____

Telephone No of Attorney: _____

Address of Attorney: _____

Witnesses to be summoned: (Furnish list at time of submittal)

(Name) (Address)

(Name) (Address)

(Name) (Address)

(Name) (Address)

Name) (Address)

(Name) (Address)

I (we) hereby certify, under penalty of perjury, that the matters and facts set forth in the a foregoing Appeal are true to the best of my (our) knowledge and belief.

Applicant's Signature

Representative/Agent's Signature

IMPORTANT: APPLICATIONS ON WHICH ALL REQUIRED INFORMATION IS NOT FURNISHED WILL BE RETURNED FOR COMPLETION BEFORE PROCESSING, AND SHALL NOT BE CONSIDERED FILED WITH THIS DEPARTMENT.



Name(s) & Addresses of the adjacent property owners. (Article XIV, § 190-112 C) of the Talbot County Code.

Name and Address	Map	Grid	Parcel & Lot #

Applicant Signature

Date



TALBOT COUNTY BOARD OF APPEALS

SIGN MAINTENANCE AGREEMENT

APPEAL NO. _____

I (we), the petitioner(s) of this appeal, agree that I (we) will be responsible for the continuous maintenance, during the period prior to the hearing date, of the sign which I (we) agree to have posted on the property for purposes of this hearing. I (we) further agree to notify the Board of Appeals if at any time during the required posting period this sign is not properly posted.

Said sign is to be returned to the Office of Planning and Zoning the night of the hearing or within five (5) days after the hearing.

Filing Date

Applicant's/Agent's Signature

Posting Date

Applicant's/Agent's Signature

Section below to be completed the night of the hearing

SIGN AFFIDAVIT

I hereby affirm under penalties of perjury that the subject property was posted as required on _____ (date) and to the best of my knowledge, information and belief the posting remained in place until _____ (date).

_____ Check if sign was returned the night of Applicant's hearing.

Signature of Applicant/Agent

INFORMATIONAL PURPOSES ONLY (Posting of Sign)

Notification: Unless otherwise expressly provided by law, all notices to the general public required by the terms of the Talbot County Code, Chapter 190 Zoning, shall be accomplished as follows:

Posting of Property: Posting of property shall be affected at least fifteen (15) days prior to hearing date by erecting a sign to be furnished by the Planning Officer. Such signs shall be erected, by the person(s) making application, within ten feet of whatever boundary line of such land abuts the most traveled public road and, if no public road abuts thereon, then facing in such a manner as most readily may be seen by the public, and designated by the Planning Officer. The bottom of the sign shall not be less than three (3) feet from the ground. The sign furnished by the Planning Officer shall not be less than two (2) feet high and two (2) feet wide, and shall bear the words: NOTICE ZONING APPLICATION PENDING. Phone 410-770-8040 for information.

If the applicant is a person other than the owner, his attorney, agent or a person otherwise privy with the owner and the applicant files an affidavit stating that the owner is unwilling to permit the posting of any such sign, the posting shall be made by the Planning Officer. **At the hearing, it shall be the duty of the applicant to prove by affidavit that he has fully complied with this provision and has continuously maintained the sign or other posting in compliance with this provision up to the time of the hearing.** Any sign required to be posted by this provision shall be maintained in a visible location and free from obstruction by vegetation until after the public hearing is held, and such sign shall be removed within five days after the public hearing.



Site Visits: A majority of the members of the Board of Appeals shall be required to visit the site before a hearing. However, a decision on an appeal before the Board of Appeals shall be decided upon the basis of the evidence of the record.

Building Permit: If the Board of Appeals grants your request and upon compliance of any conditions imposed you may then apply for your building permit. Permit Applications need to be submitted to Talbot County Permits & Inspections Office.

Decision: A written decision will be prepared containing a statement as to the findings of fact and the conclusions of law upon which such decision is based. The Board's Attorney will render a written decision within 30 days after completion of the hearing. Any person aggrieved by any decision of the Board may appeal the same to the Talbot County Circuit Court within thirty (30) days of the Board's written decision.

Revised: 11/02/05